



Opening Statement of the General Manager

2025-26 Supplementary Budget Estimates – 3 December 2025

I have prepared a statement that I hope will be of assistance to the Committee.

As the General Manager of the Fair Work Commission, I have two distinct statutory roles.

I am the Agency Head and Accountable Authority of the Commission. In this capacity, I am required to assist the President to ensure that the tribunal performs its functions and exercises its powers under the Fair Work Act.

In addition, in March 2023, I became the independent regulator of federally registered unions and employer associations under the Registered Organisations Act. My statutory functions primarily relate to the financial management of registered organisations and their democratic functioning.

I also have some additional functions in relation to the administration of the Construction and General Division of the CFMEU. I will table a Statement I issued last year that describes my statutory role in this area.

It is important to note that the Administrator is independent of me and Government. Mr Irving KC is not subject to direction from me, or anyone else for that matter. But he must operate within the law, including in accordance with the Registered Organisations Act and the Scheme of Administration.

My regulatory functions under the Act do not extend to investigating criminal conduct or compliance with industrial laws on worksites. The former falls to State and Federal police forces. The latter to the Fair Work Ombudsman. In addition, there are many State and Commonwealth regulators who have separate responsibilities relating to conduct in the building and construction industry.

To provide you with a snapshot of our operational activities of recent times, I will now share some information about what my staff and I have been focussing on:

- We are currently conducting two investigations into alleged conduct of former CFMEU Construction and General Division officials, including into matters referred to us by the Administrator.
- We have recently concluded an investigation into former senior officials of the Victorian/Tasmanian Divisional Branch of the Construction and General Division of the CFMEU. The investigation related to donations exceeding \$300,000, some of which were not disclosed, made to support the ultimately uncontested re-election of Diana Asmar as Secretary of the HSU Victoria No.1 Branch, which operates as the Health Workers Union. Ms

Office of the General Manager

11 Exhibition Street
Melbourne Victoria 3000
GPO Box 1994
Melbourne Victoria 3001
www.fwc.gov.au

Asmar and other former officials are the subject of separate proceedings I initiated in the Federal Court last year. I am currently considering initiating civil penalty proceedings against former officials of the CFMEU in relation to this alleged conduct.

- We have also recently concluded an inquiry into the Master Builders Association of Victoria (MBAV), which arose after receiving several protected disclosures.

While the inquiry did not identify any contraventions of the Registered Organisations Act, it determined that approximately \$20 million was received by the MBAV via grants, overwhelmingly from Incolink, which it did not proactively disclose to its members who contribute to that fund. A significant proportion of the MBAV's income was derived from these grants from Incolink over the 2-year period that the inquiry examined.

The Board at Incolink consists of Directors nominated by the MBAV, the CFMEU and the CEPU. At the time of the grants being made, Incolink's Board members included John Setka and the current CEO of the MBAV.

While not unlawful, it remains unclear to me how the MBAV could satisfactorily reconcile its foundational responsibility to prioritise advocacy for its members, including in an industrial context, while at the same time materially benefiting from funds generated from the contributions of its members to Incolink, in a way that is not transparently disclosed to its members.

It is alleged that the CFMEU also received approximately \$27 million in grants from Incolink to build its 'wellness centre' in Melbourne, which is the subject of a current investigation by the Administrator.

It is important to note that the MBAV is a separate and independent entity to the Master Builders Association's national office and other state MBA registered organisations.

In recent months, we have also:

- Disclosed information about alleged corrupting benefits to the Australian Federal Police on two occasions and are assisting the AFP with subject matter expertise in relation to one ongoing matter
- Participated in meetings with the Joint Agency Working Group, members of the Victorian Police HAWK Taskforce, the Department of Infrastructure and other Government Departments and law enforcement bodies. I am also scheduled to meet with the Queensland Commission of Inquiry in the coming month.
- Disclosed generalised information to the Department of Infrastructure, the Victorian Government and the National Construction Industry Forum about the incidence of reported

alleged illegal conduct on projects that we have identified are recipients of Government funding across the country

- Met with industry participants who represent the interests of employers, employees, builders, sub-contractors and government
- Corresponded with Minister for Employment and Workplace Relations and the Shadow Minister for Small Business, Industrial Relations and Employment (Tim Wilson), who I met with in response to his request for a briefing
- Met with officials from the CFMEU Administration on many occasions about many matters, including current and future strategic and operational priorities
- Written to the Administrator about the issue of a CFMEU Delegate meeting with Mr Gatto
- Received correspondence from the Administrator about the following:
 - CFMEU Policy regarding Industrial Mediators and Other Fixers
 - Ongoing reform of Victorian/Tasmanian Branch
 - Future priorities of the Administration
 - Response to my correspondence about Mr Gatto
 - Development of the NCIF Charter
- Earlier this week, and following Mr Irving's response to my letter, I have started examining if the conduct of the company (MAZ Constructions) who is alleged to have engaged Mr Gatto has breached the anti-avoidance provisions of the Registered Organisations Act. I intend to also write to Boards of the Builder who engaged MAZ Constructions and the Australia Pacific Airports Corporation, as they both have a role to play. I will table a factsheet about the anti-avoidance provisions now.

I received a request for documents from the Deputy Chair of the Committee on 25 November 2025. I replied to the Deputy Chair and copied the Committee on 1 December 2025. I understand that correspondence was tabled earlier today.

In my role as Accountable Authority for the Commission, I would like to turn briefly to the tribunal's current workload.

In 2024-25, the Commission received approximately 44,000 lodgements, which is 24% above the institution's 5-year average lodgements.

From 1 July to 30 September 2025, the Commission has received a total of 13,671 lodgements, which exceeds the 3-year Quarter 1 average by 45%. If this trend persists throughout the remainder of the 2025–26 reporting cycle, the Commission will receive approximately 55,000 lodgements. This is an unprecedented volume in our recorded history.

Office of the General Manager

11 Exhibition Street
Melbourne Victoria 3000
GPO Box 1994
Melbourne Victoria 3001
www.fwc.gov.au

In addition to this workload, the Commission is dealing with complex major cases to set minimum standards across the national workplace relations system, such as gender undervaluation, regulated worker minimum standards and the forthcoming yearly review of the national minimum wage and award minimum wages.

In a Statement issued 12 November 2025, the President indicated that the growth in lodgements is substantially driven by increases in our two largest case types – unfair dismissal and general protections dismissal matters.

The Statement indicated that the continuing rate of growth is unsustainable within the Commission’s current operational, performance and funding structures.

In response, we are currently investing heavily in digital technology to more effectively triage and manage cases. The President has completed a review of our case management processes for general protections matters. This will be followed by deep reviews of other major case types, including unfair dismissal.

I hope this information has been of some assistance. We are, obviously, very happy to answer questions you have but need to be mindful about not disclosing any information that may prejudice an investigation of a possible breach of the law, or the enforcement of the law in a particular instance, or the lawful operations of the Administrator.

- END -